

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

OLIVER PRICE,)	CASE NO. 1:07 CV 801
)	
Plaintiff,)	JUDGE ANN ALDRICH
)	
v.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
WILLIAM MASON,)	
)	
Defendant.)	

On March 19, 2007, plaintiff pro se Oliver Price, an inmate at the Mansfield Correctional Institution, filed this civil rights action against Cuyahoga County Prosecutor William Mason. The complaint asserts plaintiff's conviction is invalid because no grand jury was convened, and the court lacked subject matter jurisdiction. As relief, plaintiff asks the court to "vacate a void conviction, and have plaintiff released post haste from an unlawful, and illegal conviction."

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental employee or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

The complaint explicitly challenges plaintiff's current confinement in a correctional institution. When a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." Preiser v. Rodriguez, 411 U.S. 475 (1973).

Accordingly, this action is dismissed. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: April 2, 2007